

### **REMARKS/ARGUMENTS**

Reconsideration of this application is requested. Claims 10-18 remain active in the application subsequent to entry of this Amendment.

Claim 1 has been amended in order to remove the preventative aspects of the claim and thereby resolve the rejection stated on page 2 of the Official Action. A minor adjustment is also made to claim 1 regarding proper antecedent and a space inserted in claim 15 to correct a typographical error.

Withdrawal of the rejection of lack of enablement is requested.

Claims 10-13 and 15-18 are rejected on the basis of alleged "prior art". This indicates that claim 14 is in condition for allowance as the only rejection directed to claim 14 was lack of enablement which has now been resolved, the examiner indicating that the disclosure is enabling "for treatment of disorders caused by andropause".

The Examiner cited the web site iHerb.com stating that its effective date is 1997. This is not the case for the information cited.

Applicants' representative visited this web site and duly noted that the notice of copyright, in the bottom side of the main page, quotes the date 1997-2007 [© Copyright 1997-2007 iHerb Inc.] (see attached print copy of the main page of iHerb.com).

The above dates refer to the entire content of the web site which was created during the time interval going from 1997 to 2007.

The effective dates of the citations made by the Examiner are found by linking on the numbers at the end of each phrase and opening this link to each scientific reference.

These references are herein listed:

81. Cavallini G, Caracciolo S, Vitali G, et al. Carnitine versus androgen administration in the treatment of sexual dysfunction, depressed mood, and fatigue associated with male aging. *Urology*. 2004;63:641-646.

82. Gentile V, Vicini P, Prigiotti G, et al. Preliminary observations on the use of propionyl-L-carnitine in combination with sildenafil in patients with erectile dysfunction and diabetes. *Curr Med Res Opin*. 2004;20:1377-1384.

93. Cavallini G, Modenini F, Vitali G, et al. Acetyl-L-carnitine plus propionyl-L-carnitine improve efficacy of sildenafil in treatment of erectile dysfunction after bilateral nerve-

sparing radical retropubic prostatectomy. Urology. 2005;66:1080-1085.

99. Cavallini G, Modenini F, Vitali G, et al. Acetyl-L-carnitine plus propionyl-L-carnitine improve efficacy of sildenafil in treatment of erectile dysfunction after bilateral nerve-sparing radical retropubic prostatectomy. Urology. 2005;66:1080-1085.

As will be apparent these publications are dated 2004 or 2005.

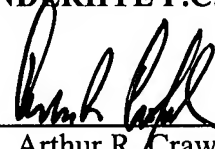
The priority date claimed in the present application is December 13, 2002 (Italian application N. RM2002A000620) and the filing date of the underlying PCT application (PCT/IT03/00757) (in English) is November 20, 2003.

It will be apparent that the underlying information relied upon in the rejection dates from 2004 or 2005 and in any event is anteceded by applicants' Italian and PCT filing dates. Accordingly, the document relied upon is not available as prior art under 35 USC §102. Withdrawal of this rejection is in order.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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